

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to claim a list of content providers that provide a content file. In addition, Applicant further claims that the list of content providers that provide a particular content file is updated to include a client that requested data, which includes that particular content file. No new matter has been added as a result of these amendments as they are supported in paragraph 26, 44, and 50, *intra alia*, of the specification as originally filed.

Rejections

Rejections under 35 U.S.C. § 101

Claims 1, 2, 4, 8-10, and 14-18

Claims 1, 2, 4, 8-10, and 14-18 stand rejected under 35 U.S.C. § 101 because the Examiner asserts the claimed invention is directed towards non-statutory subject matter. In particular, the Examiner asserts that a statutory process under 35 U.S.C. § 101 must be tied to another statutory category or transform the underlying subject matter. Independent claim 1, as amended, claims “applying, by the client, said distribution tool to said data.” Thus, Applicant respectfully submits that independent claim 1, and claims 2, 4, and 8 that depend from claim 1, are tied to an apparatus (e.g., the client) and claim statutory subject matter.

In addition, Applicant respectfully submits that independent claim 9, as amended, claims “transmitting, by the server, said distribution tool to said client.” Thus, independent claim 9, and claims 10 and 14-18 that depend from claim 9, are tied to an apparatus (e.g., the server) and claim statutory subject matter. Accordingly, Applicants respectfully submit that claims 1, 2, 4, 8-10, and 14-18 satisfy the requirements of 35 U.S.C. § 101 and respectfully requests withdrawal of the rejection.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 stand rejected under 35 U.S.C. § 102(e) as being unpatentable by Levy et al., U.S. Publication 20030174861 (previously cited), Stefik et al., U.S. Patent No. 5,638,443 (previously cited), and Detlef, et al., U.S. Patent No. 6,848,002 (previously cited). Applicant does not admit that either Levy or Detlef is prior art and reserves the right to challenge them at a later date. Nevertheless, Applicant respectfully submits that this combination does not teach each and every element of the invention as claimed in claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50.

Levy discloses a system of distributors licensed to distribute content to end users. The distributors include owners of the content, such as the artist or copyright holder. The distributors can embed links (OID) in the content that points to additional information associated with the content, i.e., metadata. Levy further discloses that if an end user receives content without a link, the end user can embed a link to metadata created by the end user. Subsequent end users of the content will then be directed to the metadata created by this end user. Furthermore, Levy discloses a distributor identifier that is embedded in the content.

Stefik discloses a system for controlling the use and distribution of composite digital works. A consumer of the composite digital work can redistribute the composite digital work.

Detlef discloses updating and maintaining content provider information and locations in a registry. However, Detlef is silent as to the content provider list indicating which content provider provides which specific content.

In independent claims 1, 8, 19, 30, 38, 48, and 49, Applicant claims a list of content providers that provide a particular content file and further updating that list to include a client that requested data that includes the particular content file. The Examiner admits that Levy and Stefik do not disclose "maintaining a list of [a] plurality of content providers and updating the list to include the client as a content provider." Because

neither Levy nor Stefik discloses maintaining and updating the list of content providers, neither reference can be properly interpreted as teaching or suggesting a list of content providers that provide a particular content file or further updating that list to include a client that requested data that includes the particular content file as claimed.

The Examiner relies on Detlef as disclosing maintaining and updating the list of content providers as claimed. Applicant respectfully submits that Detlef's content provider information can only be interpreted as a general of list content providers because Detlef is silent as to which piece of content is available from which content provider. Because Detlef does not distinguish which content provider has which piece of content, Detlef's content provider information cannot be properly interpreted as teaching or suggesting a list of content providers that provide a particular content file or further updating that list to include a client that requested data as including the particular content file as claimed. Furthermore, there is no other section of Detlef that teaches or suggests this claimed element. Therefore, the combination of Levy, Stefik, and Detlef cannot properly interpreted as teaching or disclosing a list of content providers that provide a particular content file or further updating that list to include a client that requested data as providing that particular content file as claimed.

Accordingly, Applicant respectfully submits that the invention claimed in independent claims 1, 8, 19, 30, 38, 48, and 49, and claims 2, 4, 9-10, 14-17, 20, 24-28, 31, 36, 37, 39, 43-47, and 50 is not rendered obvious by the combination of Levy, Stefik, and Detlef under 35 U.S.C. § 103(a) and respectfully requests the withdrawal of the rejection of the claims.

SUMMARY

Claims 1, 2, 4, 8-10, 14-20, 24-28, 30, 31, 36-39 and 43-50 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

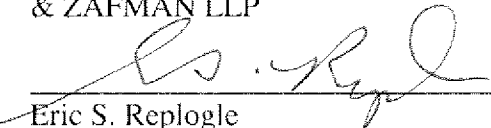
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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Dated: September 15, 2009


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